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TAGS: [PHUM](#) [PGOV](#) [EAID](#) [PREF](#) [RS](#)
SUBJECT: RCFS DIRECTOR LIKELY TO BE CONVICTED

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Classified By: Political Minister-Counselor Kirk Augustine.
Reasons 1.4 (b and d).

¶1. (C) The trial of Russian-Chechen Friendship Society (RCFS) Executive Director Stanislav Dmitriyevskiy is expected to conclude February 3. Oksana Chelysheva, an RCFS staff member, and other human rights contacts have told us they expect Dmitriyevskiy to be convicted. He is charged with inciting racial and ethnic hatred, and a conviction would carry a maximum five-year sentence. Prosecutors charged Dmitriyevskiy with the publication of statements by Chechen separatists Aslan Maskhadov and Akhmed Zakayev in the group's newspaper in March 2004.

¶2. (C) Chelysheva said that she believes prosecutors will file tax evasion charges against Dmitriyevskiy shortly after the verdict in the present case. The tax inspectorate claims RCFS owes more than 1 million rubles in back taxes on the grants it received from the National Endowment for Democracy (NED), the EU, and the Norwegian Government. After briefly freezing RCFS bank accounts and withdrawing some of the RCFS funds, including money provided by NED, the tax inspectorate attempted in November to withdraw an additional 91,000 rubles (USD 3,250) on the basis of the back tax claim, in spite of a court injunction obtained by RCFS in October. Chelysheva said Dmitriyevskiy's conviction on charges of inciting racial hatred would make it easier for prosecutors to argue that RCFS was not entitled to any tax exemption as a charitable organization. If convicted of tax evasion, Dmitriyevskiy could be sentenced to two more years in prison.

(NOTE: A Nizhny Novgorod judge ruled in favor of RCFS in dismissing a Ministry of Justice suit to de-register the organization in the fall. END NOTE)

¶3. (C) Chelysheva told us she appreciated the international support RCFS has received, but the trial's Nizhny Novgorod location had allowed the authorities to conduct it in near isolation. Amid the press coverage of the British spying scandal and the passage of the NGO law, Dmitriyevskiy's case has largely gone unnoticed by the international media. RCFS has managed to bring some international observers and Russian human rights activists to the trial, but Russian border guards refused to admit well-known British human rights lawyer William Bowring into the country in November. Our human rights contacts have not pointed to any particular violations in the conduct of the trial, but they say that the judge has clearly leaned toward the prosecution. There are discussions among foreign embassies in Moscow about sending observers to hear the verdict as a show of support, but thus far no embassy has committed to do so. Contacts at the European Union mission have told us the Austrian Presidency is aware of the case, and there could be an EU reaction when the verdict is delivered although no decision has yet been made. The European Parliament on January 19 adopted a resolution on Chechnya and civil society in Russia that calls

for the charges against Dmitriyevskiy to be dropped. We understand that Amnesty International plans to designate Dmitriyevskiy a prisoner of conscience after his conviction.

14. (C) COMMENT: Our contacts are convinced that a guilty verdict is pre-ordained. We cannot rule out the possibility of an acquittal, but it seems unlikely. For more than a year, RCFS and its staff have been subjected to an intense array of investigations, legal actions, and personal threats. Some human rights contacts have suggested that the action against RCFS is an experiment in how best to silence an NGO. We do not know if RCFS's travails portend GOR efforts against the broader NGO community, but a guilty verdict and additional criminal charges against Dmitriyevskiy will further add to the nervousness many NGOs feel. Embassy will continue to track this case closely.
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